

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MAURICIO LEON,

Plaintiff(s),

v.

IDX SYSTEMS CORPORATION,

Defendant(s).

No. C03-1158P

ORDER REGARDING PLAINTIFF'S  
AND DEFENDANT'S MOTIONS  
TO RE-TAX COSTS


This matter comes before the Court on the parties' cross-motions to Re-tax Costs. (Dkt. Nos. 345 and 347) The Court, having considered the pleadings filed in support of these motions and any opposition thereto and being fully advised, hereby GRANTS Defendant's Motion in part and DENIES it in part. The Court DENIES Plaintiff's Motion.

Federal Rule of Civil Procedure 54(d) establishes a presumption in favor of granting costs to the prevailing party in a case and it is the burden of the losing party to show why these costs should not be granted. Stanley v. University of S. Cal., 178 F. 3d 1069, 1079 (9<sup>th</sup> Cir. 1999). Here, Plaintiff Leon has not met this burden and the Court must DENY his motion to Re-tax costs.

District Courts have discretion to decide which deposition and copying costs are taxable. Sea Coast Foods, Inc. v. Lu-Mar Lobster and Shrimp, Inc., 260 F. 3d 1054, 1061 (9<sup>th</sup> Cir. 2001). The fact that a particular deposition or copy was not used in court will not bar an award of costs. Id.; Haagen-Dasz Co., Inc. v. Double Rainbow Gourmet Ice Cream, Inc., 920 F. 2d 587, 588 (9<sup>th</sup> Cir. 1990). Under 28 U.S.C. §1920, the Court must decide whether or not these items were "necessarily obtained for use in the case." Here, the Clerk of the Court allowed \$16,516.30 in deposition costs and disallowed \$3,277.50. The Court finds that all of the depositions taken were reasonable and

1 accordingly awards Defendants the full amount of \$19, 793.80 in deposition costs. Regarding  
2 copying costs, the Clerk of the Court allowed \$7,500.00 in costs and denied \$22, 296.76 of the  
3 requested costs for copying. The Court agrees with the Clerk's assessment on this matter and finds  
4 that the full amount of \$29,796.76 requested by Defendants for copying costs is unreasonable given  
5 the nature and size of this case.

6 DATED this 29<sup>th</sup> day of July, 2005.

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10 Marsha J. Pechman  
United States District Judge  
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